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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
APPLICATION FOR PATENT ISSUANCE

First Applicant: Michael J. WHALEN
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Title: PORTABLE CONTAINER FOR PAINT, ROLLER AND BRUSH

Attorney Docket No.: 032167.0001



Commissioner for Patents
U.S. Patent and Trademark Office
Attn.: Initial Patent Examination Division
Washington, D.C. 20231

Response to Notice of Omitted Item(s) in a Nonprovisional Application

Sir:

As authorized agent of the above referenced applicant and in response to the Notice of Omitted Item(s) in a Nonprovisional Application dated March 19, 2002, I hereby state the following:

Applicant respectfully submits that the items noted in the Notice of Omitted Item(s), namely, Pages 5, 6, and 7 of the specification, were timely and accurately submitted with the November 9, 2001 utility application. Applicant submits herewith a complete copy of the Specification as originally filed, including pages 5, 6, and 7, along with the requisite Petition Fee of \$130.00, to be debited from our Deposit Account No. 50-0766. Please note that the enclosed copy was made immediately prior to placing the application in the Express Mail envelope for mailing as this is our standard procedure. Further, please note that the Utility Patent Application Transmittal form accompanying the application indicates 19 pages of specification were included. This is only possible if pages, 5, 6, and 7 were included.

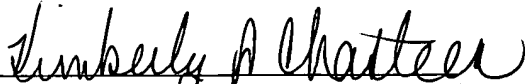
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Serial No.: 10/053,047
Atty. Docket No.: 032167.0001

Applicant believes with the submission of the above-captioned item, and in consideration of this response, compliance has been met and the petition fee in this matter should be refunded.

Respectfully submitted,

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PORTABLE CONTAINER FOR PAINT, ROLLER AND BRUSH

BACKGROUND OF THE INVENTION

5 **1. Field of the Invention**

The present invention relates generally to a container for a paint roller and, more particularly, to a portable container for a paint roller and paint which can be used during the painting process.

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2. Description of the Related Art

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To complete a painting job, particularly with respect to large areas which require the use of a ladder, the painter might paint the areas using a roller type paint brush (paint roller). For touch up, corners and edges, it may be convenient to have a paint brush easily available. These activities require that the painter have the paint roller, paint brush and paint within constant reach; however, this can be difficult and potentially dangerous when working from a ladder as there is limited space. It can also be inconvenient even when not working from a ladder as these items must constantly be moved around the area being painted.

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In a typical painting job, a painter generally uses a roller pan for holding paint and dips the paint roller into the roller pan to put paint on to the roller brush. Additionally, the painter may use a paint can for holding paint and dip the paint brush into the can for putting paint on to the paint brush. As the painter paints the room, the painter might first
5 roll paint onto the broad areas of the walls and ceiling in a room using the paint roller. Then the painter may set aside the paint roller, proceed to obtain the paint brush from the paint can and use the paint brush for touch up work or for painting the corners, edges or trim. As can be seen, the painter generally uses the paint roller and paint brush alternatively and the time a painter spends going back and forth picking up and putting
10 down the paint brush while using the paint roller can be quite costly, energy wasting, and time consuming in completing a job.

The difficulty is increased when the painter is on a ladder and painting a high wall or a high ceiling. Due to the lack of space where items such as a rolling pan, paint roller,
15 paint can and paint brush can be placed while at the top of a ladder, the painter is required to ascend and descend the ladder many times in order to complete the job. Or if the painter attempts to keep all of the items within his reach, it becomes dangerous and likely that the painter will lose his balance and fall, thus causing injury.

20 It would clearly be helpful to painters to be able to safely carry a paint roller, paint brush and supply of paint so as to increase efficiency and safety. Such a device

would reduce the constant requirement to travel to exchange tools and to access a paint supply.

While previous devices have sought to resolve some of these difficulties, these
5 devices have been very complicated and unmanageable and do not resolve all of the difficulties set out above.

A device which can be strapped to the waist of a painter is shown in US Pat. No. 5,489,051. This device includes storage space for paint and for a paint brush but is
10 extremely complex. Further, this storage space for a paint brush results does not include any means for preventing spillage from the bristles of the brush. Due to the arrangement of the device, it cannot be transferred to an alternate location if the need arises. Finally, while the use of a small paint roller is provided for, the angle is such that the roller is extremely difficult and awkward to use because the roller is parallel to the painter's body
15 and there is no provision for storing the roller so that it is not suspended in paint.

One device is shown in US Patent No. 5,695,098 issued to King. This device is a container for carrying liquids such as paint. The bucket is particularly designed to prevent spillage of the liquid being carried. It has a spring-loaded cover which allows a
20 paintbrush to be inserted for application of paint to the brush. This device does not include a method for carrying the paint brush or a paint roller.

Another device is shown in US Patent No. 4,433,801 issued to Swinney. This device allows a paint bucket to be attached to a painter's belt and is designed such that the bucket rotates as the painter moves. This rotation is meant to prevent spillage of paint from the bucket. Again, this device does not include a method for carrying a paint brush or paint roller.

Another device invented by Swinney is shown in US Pat. No. 4,325,503. This device is a rack for supporting a paint bucket that is hingedly secured to an element attached to a belt worn by a painter. The hinge allows for relative movement of the rack in the vertical plane when the device is being worn by the painter. While this device includes an attachment means for a brush, it does not include a means for carrying a paint roller and would not allow for use of a roller.

Many devices similar to the King and Swinney patents have been invented previously. These devices all include a mounting method for attaching a paint can to a painter. Some allow for rotation of the paint can to reduce spillage but none allow the attachment of a paint brush and paint roller in order to increase the efficiency of a painter.

Such devices are shown in US Des. Pat. No. 276,760; US Des. Pat. No. 338,561; US Des. Pat. No. 368,158; US Pat. No. 2,717,109; US Pat. No. 2,985,349; US Pat. No. 2,987,231; US Pat. No. 2,995,281; US Pat. No. 3,285,482; US Pat. No. 3,402,857; US

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Pat. No. 3,493,152; US Pat. No. 3,876,125; US Pat. No. 4,527,720; US Pat. No. 5,016,791; US Patent No. 5,163,591; US Pat. No. 5,385,281; US Pat. No. US Pat. No. 5,490,618; US Pat. No. 5,497,921; US Pat. No. 5,730,339; US Pat. No. 5,915,606; US Pat. No. 5,943,696 and US Pat. No. 6,006,966.

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Also shown previously are various examples of belt and harness apparatuses for supporting a variety of articles about an individual's waist. US Pat. No. 5,004,136 shows a belt for carrying janitorial tools. US Pat No. 5,067,643 shows a device for suspending a load from the wearer's shoulders. US Pat. No. 6,193,122 shows a rigid tool belt for a construction worker. US Pat. No. 5,261,584 shows a bracket for holding a mud pan being used during dry wall installation. None of these inventions disclose an apparatus for carrying and using paint, a paint brush and a paint roller.

While several of the belt and harness apparatuses described above have permitted the support of paint containers at or near the waist of a painter, it appears that none disclose a container assembly which prevent the spillage of paint and which allows a paint brush and a paint roller to be stored thereon while not suspended in paint. Additionally, none of the above-mentioned devices provide a means for storing a paint brush and paint roller such that excess paint on the bristles or rollers is not spilled or splattered.

SUMMARY OF THE INVENTION

A device for carrying paint, a paint roller and preferably a paint brush is provided which allows painters to carry all of these items safely while painting, particularly, while painting areas which can only be reached by use of a ladder. The device has one storage compartment which is open at the top and which is sized to accept a paint roller and paint. The device includes an element which retains the paint roller at a specified location within the storage compartment and preferably such that the paint roller is not submersed in paint stored in the compartment. The device further includes an element to attach the device to a painter, for example, by a belt clip or shoulder strap, such that the paint roller is generally perpendicular to the body of the painter. The device may further include a support element for maintaining the device in an upright position such as a foldable support beam, an extension added to the bottom surface of the device or other appropriate means. If desired, the device may also include a second storage compartment which is generally designed to accept a paint brush. The second storage compartment also preferably includes an element for retaining the paint brush at a specified location within the second storage compartment and preferably such that the paint brush is not submersed in paint. The device is most appropriately made from a non-porous, durable, lightweight material such as a plastic or lightweight metal. For ease of use, the device may also include an insert for either or both storage compartments.

It is therefore an object of the present invention to provide an apparatus for carrying paint, a paint brush and a paint roller.

It is another object of the present invention to provide an apparatus for carrying
5 paint in a manner which reduces paint spillage.

It is yet another object of the present invention to provide an apparatus for carrying a paint brush and a paint roller such that the brush and roller are not suspended in paint when not in use.

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It is yet another object of the present invention to provide an apparatus for carrying a paint brush and a paint roller such that excess paint is not spilled or splattered from the brush and roller when not in use.

15 It is yet still another object of the present invention to be quick and easy to use.

Briefly described according to one embodiment of the present invention, the paint roller container is a specialized device to provide a means for carrying paint and a paint roller. The device is of a simple design and allows painters a hands-free method for
20 carrying these items for increased efficiency and safety, particularly when painting from a ladder. The device generally includes a main storage compartment for paint. The main

storage compartment also accepts a paint roller for paint application and storage purposes. A second compartment can provide for storage and drainage of a paint brush.

BRIEF DESCRIPTION OF THE DRAWINGS

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The advantages and features of the present invention will become better understood with reference to the following more detailed description and claims taken in conjunction with the accompanying drawings, in which like elements are identified with like symbols, and in which:

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FIG. 1 is a front view of the preferred embodiment of the present invention;
FIG. 2 is a side view of the preferred embodiment of the present invention; and
FIG. 3 is a view of the preferred embodiment of the present invention in use.

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LIST OF REFERENCE NUMBERS

- | | |
|----|---|
| 10 | paint roller container |
| 12 | main storage compartment |
| 14 | rear surface of main storage compartment |
| 16 | front surface of main storage compartment |
| 20 | 18 main storage compartment clip |
| | 20 paint roller |
| | 22 second compartment |
| | 24 front surface of second compartment |

- 26 paint brush
- 28 clip for second compartment
- 30 belt attachment element
- 32 outer surface of bearing cup

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DESCRIPTION OF THE PREFERRED EMBODIMENTS

10 The following detailed description is of the best presently contemplated modes of carrying out the invention. This description is not to be taken in a limiting sense, but is made merely for the purpose of illustrating general principles of embodiments of the invention.

15 1. Detailed Description of the Figures

Referring now to FIG. 1, shown is a front view of the preferred embodiment of the present invention 10. The device 10 is composed of a main storage compartment 12 having a rear surface 14 and a front surface 16. Paint (not shown) is stored in the main storage compartment 12 for use by a painter. The main storage compartment 12 is sufficiently deep that a significant amount of paint can be stored therein without spillage occurring. A clip 18 is provided for grasping the handle of a paint roller. The clip 18 can be located anywhere on the device which allows the paint roller 20 to be suspended in the

main storage compartment 12 in a position perpendicular to the body of the painter,
preferably such that the paint roller 20 is not submersed in paint when suspended from
the clip 18. The clip 18 may be any device which can securely hold the paint roller 20.
The rear surface 14 of the main storage compartment 12 may include bumps or ridges
5 against which the paint roller 20 can be rolled to remove excess paint.

In a particularly preferred embodiment, a second compartment 22 may be
included on the device. This compartment 22 has a front surface 24; the back surface of
the second compartment 22 is the front surface 16 of the main storage compartment 12.
10 The second compartment 22 is designed to hold a paint brush 26 and is sized accordingly.
The compartment 22 preferably includes a clip 28 for securing the paint brush 26.
Again, this clip 28 can be any device which can securely hold the paint brush 26. If
desired, the second compartment 22 can include a passageway into the main storage
compartment 12 to transfer paint which drips from the paint brush 26 into the main
15 storage compartment 12.

If desired, the main storage compartment 12 and the second compartment 22 (if
one is used) may include an insert or liner. This insert or liner may be disposable or
reusable and allows for easy clean up of the device 10. The outer surface of the insert or
20 liner is designed to fit inside the main storage compartment 12 prior to pouring paint in
the main storage compartment 12. When the painting job is complete and excess paint

has been returned to the paint can, the liner or insert is removed leaving the main storage compartment 12 clean.

As shown in Fig. 2, the device 10 includes a belt attachment element 30. This
5 element 30 allows for the device 10 to be attached to the belt of a painter to allow hands-free transportation of the paint roller 20, paint and, if applicable, paint brush 26. Alternatively or in addition to the belt attachment element 30, the device 10 can include a shoulder strap (not shown) as a means for transporting the device 10 and included tools.

10 In the event that the painter desires to remove the device from his person, the device can include a support element 32 which will stabilize the device in the upright position. Other types of support elements can be used, for example, a support beam which may fold into the back of the device 10 or, a support element similar to that shown in Fig. 2 located on the rear of the device 10 rather than on the front of the device 10.

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The device is constructed from a non-porous material such a plastic. Preferably, the material chosen is lightweight and durable as well. Plastics and lightweight metals are particularly suitable for this device.

2. Use Of The Invention

To use the invention, paint is placed in the main storage compartment 12. The device 10 is then attached to the painter's belt by means of the belt attachment element

5 30. A paint roller 20 is placed in the main storage compartment 12 and maintained in its place by means of a clip 18. If applicable, a paint brush 26 is placed in the second storage compartment 22 and clipped into clip 28. To begin painting, the painter removes the paint roller 20 from the clip 18 and dips the paint roller 20 into the paint and proceeds to paint normally. If applicable, the paint roller 20 is rolled against ridges or bumps

10 located on the rear surface 14 of the main storage compartment 12 to remove excess paint. As needed, the paint roller 20 is immersed into the paint in the second storage compartment 22 and painting continues. Because the paint roller is stored in a position perpendicular to the painter's body, it is in a natural position for use. This natural positioning enables the painter to work more quickly and for a longer duration as he is

15 not tired by using awkwardly movements to use a poorly positioned device. As the painter needs to ascend or descend a ladder or as the painter needs to use the paint brush 26, the paint roller 20 is clipped into the clip 18 for storage. The same steps are used to make use of the paint brush 26. If the painter uses all of the paint from the main storage compartment 12, the device 10 can be removed from the painter's belt and set on the

20 floor or other surface. The support element 32 acts to maintain the device 10 in an upright position while the paint supply is refilled.

While the description above refers to particular embodiments of the present invention, it will be understood that many modifications may be made without departing from the spirit thereof. The accompanying claims are intended to cover such

5 modifications as would fall within the true scope and spirit of the present invention.

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CLAIMS

What is claimed is:

- 1 1. A device for carrying paint and a paint roller, comprising:
2 a first storage compartment having an open top, the first storage compartment
3 sized to accept a paint roller and paint;
4 a first clip means for retaining the paint roller at a specified location within the
5 first storage compartment; and
6 a means for attaching the device to a painter wherein the paint roller is
7 perpendicular to the body of the painter.
- 1 2. A device for carrying paint and a paint roller as described in Claim 1,
2 wherein the first clip means acts to retain the paint roller such that the paint roller is not
3 submerged in the paint.
- 1 3. A device for carrying paint and a paint roller as described in Claim 1,
2 wherein the attachment means attaches the device to a belt on the painter.
- 1 4. A device for carrying paint and a paint roller as described in Claim 1,
2 wherein the attachment means is a shoulder strap.

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1 5. A device for carrying paint and a paint roller as described in Claim 1,
2 wherein the device further includes a support element for maintaining the device in an
3 upright position.

1 6. A device for carrying paint and a paint roller as described in Claim 5,
2 wherein the support element is a foldable support beam.

1 7. A device for carrying paint and a paint roller as described in Claim 5,
2 wherein the support element is an extension added to the bottom surface of the device.

1 8. A device for carrying paint and a paint roller as described in Claim 1,
2 wherein the further includes a second storage compartment.

1 9. A device for carrying paint and a paint roller as described in Claim 8,
2 wherein the second storage compartment is sized to accept a paint brush.

1 10. A device for carrying paint and a paint roller as described in Claim 8,
2 wherein the second storage compartment includes a second clip means for retaining the
3 paint brush at a specified location within the second storage compartment.

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1 11. A device for carrying paint and a paint roller as described in Claim 10,
2 wherein the second clip means acts to retain the paint brush such that the paint brush is
3 not submerged in paint.

1 12. A device for carrying paint and a paint roller as described in Claim 1,
2 wherein the first storage compartment is made from a non-porous, durable, lightweight
3 material.

1 13. A device for carrying paint and a paint roller as described in Claim 1,
2 wherein the first storage compartment is made from a material selected from the group
3 consisting of plastic or lightweight metal.

1 14. A device for carrying paint and a paint roller as described in Claim 8,
2 wherein the second storage compartment is made from a non-porous, durable, lightweight
3 material.

1 15. A device for carrying paint and a paint roller as described in Claim 8,
2 wherein the second storage compartment is made from a material selected from the group
3 consisting of plastic or lightweight metal.

1 16. A device for carrying paint and a paint roller as described in Claim 1,
2 wherein the device further includes an insert for the first storage compartment.

1 17. A device for carrying paint and a paint roller as described in Claim 8,
2 wherein the device further includes an insert for the second storage compartment.

1 18. A device for carrying paint and a paint roller, comprising:
2 a storage compartment made from a non-porous, durable, lightweight material,
3 having an open top, the storage compartment sized to accept a paint roller and paint;
4 a clip means for retaining the paint roller at a specified location within the storage
5 compartment such that the paint roller is not submerged in the paint;
6 a belt attachment means for attaching the device to a painter wherein the paint
7 roller is perpendicular to the body of the painter; and
8 a support element for maintaining the device in an upright position.

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- 1 19. A device for carrying paint and a paint roller, comprising:
- 2 a first storage compartment made from a non-porous, durable, lightweight
- 3 material, having an open top, said storage compartment sized to accept a paint roller and
- 4 paint;
- 5 a first clip means for retaining the paint roller at a specified location within said
- 6 first storage compartment such that the paint roller is not submerged in the paint;
- 7 a second storage compartment made from a non-porous, durable, lightweight
- 8 material, having an open top, said storage compartment sized to accept a paint brush and
- 9 paint;
- 10 a second clip means for retaining the paint brush at a specified location within the
- 11 second storage compartment such that the paint brush is not submerged in the paint;
- 12 a belt attachment means for attaching the device to a painter wherein the paint
- 13 roller is perpendicular to the body of the painter; and
- 14 a support element for maintaining the device in an upright position.

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PORTABLE CONTAINER FOR PAINT, ROLLER AND BRUSH**ABSTRACT OF THE DISCLOSURE**

This invention is a portable device for carrying a paint roller and paint in a hands-
5 free fashion. The device includes a main storage compartment in which paint is stored.
This main compartment is sized so that a paint roller can be placed therein and the
compartment further includes an element such as a clip for holding the paint roller within
the storage compartment. When the roller is stored in this fashion, it is elevated above
the upper surface of the paint in the storage compartment. If desired, an additional
10 storage compartment can be included which compartment allows for the storage of a
paint brush. The device is connected to the painter by a belt clip or by a shoulder strap.

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